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REMARKS/ARGUMENTS

Claims 1, 2, 4-11, and 13-19 are pending in the present application. By this response, claims 1, 10, and 18 are amended and claims 3 and 12 are canceled. Claims 1, 10, and 18 are amended to recite subject matter similar to "notifying the remote customer of the problem; and in response to identifying mismatches, providing instructions to the remote customer for resolving the problem." Support for these amendments may be found at least on page 10, line 22, to page 11, line 2, of the present specification. Reconsideration of the claims in view of the above amendments and the following remarks is respectfully requested.

I. 35 U.S.C. § 112, First Paragraph

The Office rejects claims 3 and 12 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. By this response, claims 3 and 12 have been canceled.

II. 35 U.S.C. § 112, Second Paragraph

The Office rejects claims 3 and 12 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicants regard as the invention. By this response, claims 3 and 12 have been canceled.

III. 35 U.S.C. § 103, Obviousness- Claims 1-3, 5-12, and 14-19

The Office rejects claims 1-3, 5-12, and 14-19 under 35 U.S.C. § 103(a) as being unpatentable over Staveley et al. (U.S. Patent No. 6,973,491 B1). This rejection is respectfully traversed.

As to claims 1, 10, and 18, the Office states:

> **Regarding Claims 1, 10 and 18:** Staveley disclose running a scan tool (col. 3, lines 41-43 'run individual data collector programs'), wherein the scan tool collects debug data for the product (col. 3, lines 16-20 'Collecting the system information'); sending the debug data to a customer support site (col. 3, lines 49-51 'uploads the configuration information to central site 14'); comparing the debug data to code level data to identify mismatches (col. 5, lines 36-40 'compares the installed version with the latest version'). Staveley does not explicitly disclose running the scan tool in response to a problem at a customer site, but does disclose his invention is 'used to examine...the system health' (col. 2, lines 50-52). Accordingly, it would have been obvious to a person of ordinary skill in the art at the time of the invention to run Staveley's scan tool (col. 7, lines 57-59 'launch the data gathering operation') in response to an indication that the system was in 'ill health', (e.g. having a problem).

> Staveley discloses a comparison utility at the client site (col. 5, lines 36-38 'main module 30...compares the installed version with the latest version') using data retrieved from the customer support site (col. 5, lines 36-38 'retrieves the version file from the central site'). It would have been obvious to a person of ordinary skill in the art at the time of the invention to move Staveley's comparison utility (col. 5, lines 36-38) to the customer support site ('central site') because one of ordinary skill in the art would have been motivated to use the comparison in the generation of reports (col. 6, lines 44-49 'a list of all local files. The information presented may be...date and time created [and] messages about the file') to present information regarding available updates to the client (col. 5, lines 38-40) 'the latest version is downloaded and installed...upon user request') and/or the customer support sales staff (col. 11, lines 58-61 'reports may be generated for...central site sales').

Office Action dated June 5, 2006, pages 3-4.

Amended claim 1, which is representative of the other rejected independent claims 10 and 18 with respect to similarly recited subject matter, reads as follows:

> 1. A method for remote customer serviceability, the method comprising:
> responsive to a problem with a product at a customer site, running a scan tool, wherein the scan tool collects debug data for the product;
> sending the debug data to a customer support site;
> comparing the debug data to code level data, using a comparison utility at the customer support site, to identify mismatches;
> notifying the remote customer of the problem; and
> in response to identifying mismatches, providing instructions to the remote customer for resolving the problem.

Staveley fails to teach or suggest responsive to a problem with a product at a customer site, running a scan tool, wherein the scan tool collects debug data for the product; sending the debug data to a customer support site; comparing the debug data to code level data, using a comparison utility at the customer support site, to identify mismatches; notifying the remote customer of the problem; and in response to identifying mismatches, providing instructions to the remote customer for resolving the problem.

Staveley is directed to monitoring the configuration and/or status of target devices on a network. Staveley uses a monitoring application to monitor one or more target devices. The monitoring application collects configuration and/or status information about the target devices. The collected data is sent to a central site and may be accessed by users or clients. Staveley uses the collected to automatically upgrade outdated software on the target devices.

The Office alleges that Staveley teaches running a scan tool, wherein the scan tool collects debug data for the product in the following section:

> 1. Collecting the system information of some or all of the machines and/or devices connected to the network by running a data collection program. The data collection

> program will check some or all devices connected to the network and get their information.

(Staveley, column 3, lines 16-20)

Applicants respectfully submit that the configuration information collected by Staveley does not include debug data. Staveley describes the configuration information collected as operating system information, disk information, graphic card information, network information, software application information, or the like (see Staveley, column 2, lines 56-58). Staveley collects this information by issuing configuration commands, such as "config" or "tests.config" from target device in the following sections:

> As discussed briefly above, configuration files may be used to direct the data collection tool set on how to collect data and from which machines or devices. The following is a description of two configuration files that may be used in accordance with one embodiment of the present invention.
>
> User Configuration File (config)
>
> config is a configuration file used to control how the information should be collected from the machines/devices. In accordance with one embodiment of the present invention, the configuration is divided into eight sections where each section contains a list of attributes in the form: name=value.

(Staveley, column 13, lines 41-46)

> Test Configuration File (tests.config)
>
> This file is used to choose what type of data collectors to run and what type of data should be uploaded. A data collector is a tool, which collects a specific set of information from client machines. An example of a data collector is explorer which run tests to gather disk information, network information etc.
>
> This file contains the following attributes:
>
> run test: specifies the data collectors to be run separated by a comma (,). The default data collectors are: explorer, kernelInfo, installdata, and sysconfig. If this attribute is left unspecified, all the data collectors will be run.

(Staveley, column 16, lines 55-67)

In these sections, the "config" and "test.config" commands merely collect configuration information for the operating system, the disk, the graphic card, the network, and software applications. However, none of the configuration commands described by Staveley are debug commands, such as "debug", that collect debug data.

Furthermore, that data that is collected by Staveley is not collected in response to a problem with a product at a customer site. The Office seems to acknowledge that Staveley does not explicitly disclose running the scan tool in response to a problem at a customer site, but alleges that Staveley suggests running the tool in response to a problem since Staveley mentions system health in the following section:

> The present invention, is used to examine configurations of both software and hardware, as well as the system health of all or many of the systems and devices in a network. The system of the present invention probes some or all of the devices connected

> to the network and generates a system inventory report of each device, describing their configurations, which may include operating system information, disk information, graphic card information, network information, software application information, or the like.

(Staveley, column 2, lines 50-58)

In this section, Staveley describes examining the configurations of software and hardware, as well as the system health, of all or many of the systems and devices in a network. Applicants respectfully submit that Staveley collects data by using a main module that establishes a remote data collection environment on each target device, and starts a remote analysis program in those environments (see Staveley, column 4, lines 16-18). The data collected by Staveley is to ensure proper configuration of the components running on a target device and not problems occurring within a device.

Therefore, Staveley teaches a system where a main module issues a data collection command to all target devices and the command is not issued in response to a problem with a product at a customer site. Thus, Staveley does not teach or suggest running a scan tool, wherein the scan tool collects debug data for the product in response to a problem with a product at a customer site.

Additionally, the Office alleges that Staveley teaches comparing the debug data to code level data, using a comparison utility at the customer support site, to identify mismatches in the following section:

> The following sections set forth additional details about the different modules of the data collection system.
> 1. Automatic Upgrade Component
> When main module 30 starts-up at the client site, it accesses configuration files (e.g., configuration files 32) and retrieves configuration parameters therefrom. See Section C (CONFIGURATION FILES) below for an example of configuration files that may be used. There are three configuration parameters that apply to the upgrade component. They are:
> auto upgrade--specified as either "yes" or "no";
> version file--a URL that specifies the location of the version file at the central site; and
> package location--a URL that specifies the location of the data collection software package at the client site.
> If "auto upgrade" is yes, main module 30 retrieves the version file from the central site and compares the installed version with the latest version. If they do not match, the latest version is downloaded and installed. This function can occur automatically, or upon user request.

(Staveley, column 5, lines 20-40)

In this section Staveley describes the main module checking the configuration of the remote analysis program and, if the remote analysis program is out of date, upgrading the remote analysis program. Applicants respectfully submit that comparing version information is not equivalent to comparing debug data to code level data to identify mismatches. Thus, Staveley does not teach or suggest comparing the

debug data to code level data, using a comparison utility at the customer support site, to identify mismatches.

Furthermore Staveley does not teach or suggest notifying the remote customer of the problem or providing instructions to the remote customer for resolving the problem in response to identifying mismatches. Once the data is collected by the central site, Staveley merely makes the information available to users or clients. The version update provided by the main module for the remote analysis program is not performed by the central site, does not notify the use that a problem exists fro which debug information was sent to a central site, and does not provide instructions to the remote customer on how to resolve the problem as the updates to the remote analysis program are performed automatically.

The Office bears the burden of establishing a *prima facie* case of obviousness based on the prior art when rejecting claims under 35 U.S.C. § 103. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). Since the reference fails to teach or suggest responsive to a problem with a product at a customer site, running a scan tool, wherein the scan tool collects debug data for the product; sending the debug data to a customer support site; comparing the debug data to code level data, using a comparison utility at the customer support site, to identify mismatches; notifying the remote customer of the problem; and in response to identifying mismatches, providing instructions to the remote customer for resolving the problem, the Office has failed to establish a *prima facie* case of obviousness, because the Office does not show where each and every claim limitation is taught or fairly suggested by the applied prior art.

The applied reference does not teach or suggest each and every claim limitation; therefore, Staveley does not render claim 1 obvious. Independent claims 10 and 18 recite similar subject matter addressed above with respect to claim 1 and are allowable for similar reasons. Since claims 2, 4-9, 11, 13-17, and 19 depend from claims 1, 10, and 18, the same distinctions between Staveley and the invention recited in claims 1, 10, and 18 apply for these claims. Additionally, claims 2, 4-9, 11, 13-17, and 19 recite other additional combinations of features not taught or suggested by the references.

Furthermore, no suggestion is present in the reference to modify the references to include such features. That is, there is no teaching or suggestion in Staveley that a problem exists for which responsive to a problem with a product at a customer site, running a scan tool, wherein the scan tool collects debug data for the product; sending the debug data to a customer support site; comparing the debug data to code level data, using a comparison utility at the customer support site, to identify mismatches; notifying the remote customer of the problem; and in response to identifying mismatches, providing instructions to the remote customer for resolving the problem, is a solution. To the contrary, Staveley appears to teach collecting system configuration information for viewing by a user.

One of ordinary skill in the art, being presented only with Staveley, and without having a prior knowledge of Applicants' claimed invention, would not have found it obvious to modify Staveley to

arrive at Applicants' claimed invention, as recited in claim 1. The resulting system would still fail to, run a scan tool in responsive to a problem with a product at a customer site, wherein the scan tool collects debug data for the product; send the debug data to a customer support site; compare the debug data to code level data, using a comparison utility at the customer support site, to identify mismatches; notify the remote customer of the problem; and provide instructions to the remote customer for resolving the problem in response to identifying mismatches.

In view of the above, Applicants respectfully submit that Staveley fails to teach or suggest the features of claims 1, 10, and 18. At least by virtue of their dependency on claims 1, 10, and 18, the features of dependent claims 2, 4-9, 11, 13-17, and 19 are not taught or suggested by Staveley. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1, 2, 4-11, and 13-19 under 35 U.S.C. § 103.

IV. 35 U.S.C. § 103, Alleged Obviousness – Claims 4 and 13

The Office rejects claims 4 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Staveley et al. (U.S. Patent No. 6,973,491 B1) in view of Steele et al. (U.S. Patent No. 6,282,175 B1). This rejection is respectfully traversed.

Claims 4 and 13 are dependent on independent claims 1 and 10 and, thus, these claims distinguish over Staveley for at least the reasons noted above with regard to claims 1 and 10. Moreover, Steele does not provide for the deficiencies of Staveley and, thus, any alleged combination of Staveley and Steel would not be sufficient to reject independent claims 1 and 10 or claims 4 and 13 by virtue of their dependency. That is, Steele does not teach or suggest responsive to a problem with a product at a customer site, running a scan tool, wherein the scan tool collects debug data for the product; sending the debug data to a customer support site; comparing the debug data to code level data, using a comparison utility at the customer support site, to identify mismatches; notifying the remote customer of the problem; and in response to identifying mismatches, providing instructions to the remote customer for resolving the problem.

Moreover, neither Staveley nor Steele teaches or suggests the desirability of incorporating the subject matter of the other when these cited references are considered as a whole by one of ordinary skill in the art. That is, there is no motivation offered in either reference for the alleged combination. The Office alleges that the motivation for the combination is "the data represent text entries and one of ordinary skill would have been motivated to ease access to this data." As discussed above, Staveley fails to teach, running a scan tool in response to a problem with a product at a customer site, wherein the scan tool collects debug data for the product; sending the debug data to a customer support site; comparing the

debug data to code level data, using a comparison utility at the customer support site, to identify mismatches; notifying the remote customer of the problem; and in response to identifying mismatches, providing instructions to the remote customer for resolving the problem. While Steele may describe storing information in a text format, Steele does not use a firewall or security feature and one of ordinary skill in the art would not look to Steele who eases access to data when a firewall or security feature is being used. Thus, the only teaching or suggestion to even attempt the alleged combination is based on a prior knowledge of Applicant's claimed invention thereby constituting impermissible hindsight reconstruction using applicant's own disclosure as a guide.

One of ordinary skill in the art, being presented only with Staveley and Steele, and without having a prior knowledge of applicant's claimed invention, would not have found it obvious to combine and modify Staveley and Steele to arrive at applicant's claimed invention. To the contrary, even if one were somehow motivated to combine Staveley and Steele, and it were somehow possible to combine the two systems, the result would not be the invention, as recited in claims 1 and 10. That is, the resulting system still would not run a scan tool in responsive to a problem with a product at a customer site, wherein the scan tool collects debug data for the product; send the debug data to a customer support site; compare the debug data to code level data, using a comparison utility at the customer support site, to identify mismatches; notify the remote customer of the problem; and provide instructions to the remote customer for resolving the problem in response to identifying mismatches.

Thus, in view of the above, Staveley and Steele, taken either alone or in combination, fail to teach or suggest the specific features recited in independent claims 1 and 10, from which claims 4 and 13 depend. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 4 and 13 under 35 U.S.C. § 103.

V. Conclusion

It is respectfully urged that the subject application is patentable over the prior art of record and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

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